



U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 27, 2017

**FILED BY ECF**

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Reza Zarrab, a/k/a "Riza Sirraf," S2 15 Cr. 867 (RMB)***

Dear Judge Berman:

The Government respectfully submits this letter to advise the Court of potential conflicts of interest presented by the representation of the defendant, Reza Zarrab, by the law firms Greenberg Traurig LLP ("Greenberg Traurig") and Debevoise & Plimpton LLP ("Debevoise"), and to request that the Court hold a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982).

On Friday, February 24, 2017, the Government was advised that Zarrab has retained two additional attorneys, Rudolph W. Giuliani of Greenberg Traurig and Michael B. Mukasey of Debevoise, to represent him in connection with this matter. The Government has since determined that Greenberg Traurig and Debevoise each also represents least some of the bank victims in this action.<sup>1</sup>

As the Court is aware, the Government's prosecution theory is that Reza Zarrab and his co-conspirators operated a network of overseas businesses to engage in prohibited financial transactions with Iranian entities. Through various deceptive acts, including layering the transactions and omitting information concerning the Iranian nexus, Zarrab and his co-conspirators allegedly tricked numerous U.S. financial institutions into processing barred transactions, thus exposing them to significant potential loss. Publicly available materials indicate that a number of the banks allegedly defrauded by Zarrab and his co-conspirators are current or former clients of Greenberg Traurig and Debevoise.<sup>2</sup>

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<sup>1</sup> The Government delayed notifying the Court initially at the request of defense counsel so that they could provide the Government with additional information about this representation. After that consultation, the Government believes that there still appears to be a potential conflict.

<sup>2</sup> The victim banks that are either current or former clients of Greenberg Traurig or Debevoise include Deutsche Bank, Bank of America, JP Morgan Chase, Citibank, HSBC, Standard

The Court has already confronted a nearly identical issue presented by the simultaneous representation by Kirkland & Ellis LLP of Zarrab and several of the victim banks. The Court concluded that in those nearly identical circumstances, a hearing pursuant to the procedures set forth in *United States v. Curcio*, 694 F.2d 14, 24–25 (2d Cir. 1982) was “absolutely necessary.” (Dkt. 131). Following “extensive and comprehensive” *Curcio* proceedings, the Court concluded that Zarrab “knowingly, intelligently and rationally accepts the . . . potential conflicts and limitations upon Kirkland and Ellis’s representation of him.” (Dkt. 197). Despite finding a valid waiver by the defendant, the Court also instructed that “these conflict matters must be closely monitored.” (*Id.*). Accordingly, the Government is bringing the similar potential conflicts presented by Greenberg Traurig and Debevoise’s concurrent representation of the defendant and one or more of the victim banks to the Court’s attention.

For the foregoing reasons, the Government respectfully requests that the Court hold a *Curcio* hearing.

Respectfully submitted,

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cc: All Defense Counsel (by ECF)

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Chartered, UBS, and Wells Fargo. *See, e.g.*, [https://www.law360.com/companies/hsbc-holdings-plc/outside\\_counsel/greenberg-traurig](https://www.law360.com/companies/hsbc-holdings-plc/outside_counsel/greenberg-traurig); [https://www.law360.com/companies/deutsche-bank-ag/outside\\_counsel/greenberg-traurig](https://www.law360.com/companies/deutsche-bank-ag/outside_counsel/greenberg-traurig); [https://www.law360.com/companies/bank-of-america-corporation/outside\\_counsel/greenberg-traurig](https://www.law360.com/companies/bank-of-america-corporation/outside_counsel/greenberg-traurig); [https://www.law360.com/companies/jpmorgan-chase-co/outside\\_counsel/debevoise-plimpton](https://www.law360.com/companies/jpmorgan-chase-co/outside_counsel/debevoise-plimpton); [https://www.law360.com/companies/ubs-ag/outside\\_counsel/debevoise-plimpton](https://www.law360.com/companies/ubs-ag/outside_counsel/debevoise-plimpton), <http://www.debevoise.com/capabilities/capabilities--landing/banking-ma?tab=Experience>.